

REMARKS/ARGUMENTS

Claim 1 has been amended to correct a typographical error in terminology from "first second" to --first rear--. Claims 54-57 have been added. As such, claims 1, 4, 18, 22, 45, 48-51, and 54-57 are now pending. The Examiner's rejected claims 1, 4, 18, 22, 45, and 48-51 under 35 U.S.C. § 103(a) as being unpatentable over Wineteer in view of Kurilich Jr., Somers et al., and French Patent No. 2043880. Applicant respectfully traverses the above rejections for the reasons set forth below.

First, there is no teaching, motivation, or suggestion to combine the references cited by the Examiner to obviate the claimed invention. The invention is generally directed to lifting a motorcycle and being able to move the motorcycle with ease. As noted by the Examiner in paragraph 4 of the Office Action dated April 24, 2003, Wineteer is not adapted to transport a motorcycle, and does not have a pivoted wheel lift. That is, Wineteer is directed to a vehicle towing dolly for lifting front or back end of a car. In contrast, both Kurilich and Somers are directed to a motorcycle trailer. With respect to the French patent, it appears to be directed to a trailer as well, and is certainly not directed to an apparatus for lifting and transporting a motorcycle. As such, Wineteer is directed to a different art than the Kurilich, Somers and the French patent so that there is no teaching, suggestion or motivation to combine these references.

The second reason for not combining the references is that the Examiner does not provide relevant evidence to suggest that the cited references can be combined. When patentability turns on the question of obviousness, the search for and analysis of the prior art includes evidence relevant to the finding of whether there is teaching, motivation, or suggestion to select and combine the references relied on as evidence of obviousness. In this case, the Examiner's assertion that "it would have been obvious to a mechanic with ordinary skill in the art at the time the invention was made to provide Wineteer with adjustable chocks to carry a motorcycle" does not provide sufficient evidence to combine the two references.

Third, even if the references could be combined, these references do not obviate the claimed invention. For instance, none of the cited references teach or suggest "a pair of cradle bars releasably coupled to the first front and first rear chocks wherein the first and second wheels are positioned between the pair of cradle bars," as recited in part in claim 1. In FIG. 3 of

Wineteer, the tire is on top of the cross bars 12 not in between the cross bars 12. None of the other references teach or suggest “a pair of cradle bars that are releasably coupled to the first front and first rear chocks, wherein the first and second wheels are positioned between the pair of cradle bars.”

In particular, with regard to dependent claim 18, none of the references teach or suggest, using a dolly to lift a motorcycle and using the dolly to roll the motorcycle on to a bed of a tow truck. In Wineteer, the vehicle towing dolly itself is used to tow the car rather than rolling the car onto a back bed of a towing truck. In Somers, Kurilich, and French patent, the trailer does not teach or suggest a dolly that raises the motorcycle nor rolling the motorcycle to a back bed of a tow truck. Rather, the cargo is hookup to a trailer and towed behind a truck. Accordingly, independent claim 1 and its dependent claims 4 and 18 are allowable over the cited references. In addition, none of the references teach or suggest newly added dependent claims 56, with the limitation that the dolly is on the front side of the wheel when the dolly is coupled to the cradle bars. Note that Figure 6 of Wineteer shows the dolly 10 mounted onto the cross bars 12 such that the dolly is on the side of the left and right rear tires rather than being in front of the tires.

With regard to independent claim 22, none of the cited references teach or suggest placing a first front chock and a first rear chock adjacent to the front side of the first wheel and on the backside of the second wheel, respectively. In Wineteer, the support cradles 56 are placed adjacent to the side of the wheels rather than on the front and back sides of the wheels. Accordingly, independent claim 22 and its dependent claim 45 are in condition for allowance over the cited references. In particular, none of the references teach or suggest newly added dependent claims 57, with the limitation that the dolly is on the front side of the wheel when the dolly is coupled to the cradle bars.

With regard to independent claim 48, none of the cited references teach or suggest coupling the first dolly to the first and second cradle bars in **front** of the first wheel; and coupling the second dolly to the first and second cradle bars so that it is in **back** of the second wheel. For instance, as shown in Figure 6 of Wineteer, the dolly 10 is mounted onto the cross bars 12 such that the dolly is on the side of the left and right rear tires rather than being in front

and back of the tires. Accordingly, claim 48 along with its dependent claims 49-52 are allowable over the cited references.

With regard to independent claim 52, none of the cited references teach or suggest the "means" as recited in this claim. For instance, Wineteer and O'Rarden do not teach lifting a cycle and transporting the cycle onto a back-bed of a tow truck. With respect to Scott, Somers, Kurilich, and the French patent, they do not teach means for lifting the wheels of a cycle off the ground. Accordingly, claim 52 is in condition for allowance.

With regard to the newly added claims 54 and 55, they are allowable for the similar reasons set forth in claims 1 and 22, respectively.

Claims 1, 4, 18, 22, 45, and 48-51 are once again rejected under 35 U.S.C. § 103(a) as being unpatentable over Matovich in view of Bell et al., and British Patent #2,326,632. Applicant notes that Matovich and the British Patent were extensively distinguished from the claimed invention in the Appeal Brief filed on February 18, 2003. In response to the Appeal Brief, the Examiner withdrew the finality of the office action dated December 18, 2002, in view of the new ground of rejection. The only new ground of rejection in this office action is citation of Bell (U.S. Patent No. 4,295,777). As such, arguments set forth in the Appeal Brief are incorporated by reference into this response with the following additional arguments.

First, Bell is directed to lifting and repositioning of heavy rolls of sheet materials such as carpet rolls and the like. In contrast, Matovich is directed to lifting an automobile or objects like air conditioning units. See Col. 1, lines 13 and 14, and Col. 4, lines 50 and 51. As such, there is no teaching, motivation, or suggestion to combine the Bell with Matovich and/or the British Patent to obviate the claimed invention. Moreover, the Examiner does not provide relevant evidence to suggest that the cited references can be combined.

Second, the Examiner refers to chocks 82 and 84 as shown on Fig. 5 of Matovich, which are positioned on the side of the tire. In contrast, claim invention recites that the chocks are on the front side or back side of the wheel. Accordingly, claims 1, 4, 18, 22, 45, and 48-51 are in condition for allowance over the cited references.

With regard to claim 52, none of the cited references teach or suggest the "means" as recited in this claim. For instance, Matovich, Bell, the British Patent, Scott, and Rarden do not teach lifting the two wheels of a cycle and transporting the cycle onto a back-bed of a tow truck. Accordingly, claim 52 is allowable over the cited references.

In view of the foregoing, it is respectfully submitted that the claims in the application patentably distinguish over the cited and applied references and are in condition for allowance. Reexamination and reconsideration of the application, as amended, are respectfully requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call Applicant's undersigned representative at (213) 689-5176 to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1853. Should such additional fees be associated with an extension of time, applicant respectfully requests that this paper be considered a petition therefore.

Respectfully submitted,



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